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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,883	02/19/2004	Wesley D. Rogers	2318.0013C	9058
27896	7590	11/13/2006	EXAMINER	
EDEL, SHAPIRO & FINNAN, LLC 1901 RESEARCH BOULEVARD SUITE 400 ROCKVILLE, MD 20850			FREEMAN, WILLIAM	
			ART UNIT	PAPER NUMBER
			3709	

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/780,883	<b>Applicant(s)</b> ROGERS, WESLEY D.	
	<b>Examiner</b> William T. Freeman	<b>Art Unit</b> 3709	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>20040706</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

Page 8, Line 10: "re-read button 45" should be changed to -- re-read button 47 --.

Page 8, Line 11: "button 47" should be changed to -- button 45 --.

Page 14, Line 15: "microcontroller" should be changed to -- microcontroller --.

Appropriate correction is required.

2. The use of the trademark MOTOROLA has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### ***Claim Objections***

3. Claim 2 and 18 are objected to because of the following informalities:

Claim 2, Line 6: "coincident said" should be changed to -- coincident to said --.

Claim 18, Line 6: "coincident said" should be changed to -- coincident to said --.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim refers to the “method of claim 1”, but claim 16 already further limits claim 1 to a golf ball. However, it seems that the claim was meant to say, “The method of claim 17, wherein said object includes a golf ball.” and is treated so.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4, 7, 10-20, 23, and 26-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Knox et al. (US 5,067,718).

Re Claim 1 and 17: Knox discloses a method and device (10, Fig. 1) for measuring a property of a surface comprising:

a housing (12, Fig. 1) with a passage (24, Fig. 1) defined therein;

a plurality of detection units (26, 28, and 30, Fig. 4 and 5) disposed within said passage to detect traversal of said passage by an object (22, Fig. 2) directed therethrough;

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and a control unit (Control system, Col. 5, Lines 44-45) disposed on said housing and coupled to said detection units (as shown in Fig. 5) to determine a change in a rate of traversal of said object through said passage due to said surface, wherein said control unit includes:

a processor (84, Fig. 5) to determine said change in said traversal rate in accordance with detections from said detection units and to produce a resultant measurement value indicative of said surface property and in relation to a predetermined scale (as shown in Fig. 5); and

a display (70, Fig. 5) to display said resultant measurement value.

Re Claim 2 and 18: Knox discloses that said passage includes first and second walls (as shown in Fig. 4) in facing relation and spaced apart from each other, and wherein each said detection unit includes: an emitter (26, Fig. 4) disposed in said first wall to transmit an energy signal toward said second wall; and a detector (28 and 30, Fig. 4) disposed within said second wall substantially coincident said emitter to detect said energy signal.

Re Claim 3 and 19: Knox discloses wherein said energy signal is in the form of an infrared (Col. 3, Lines 21-29).

Re Claim 4 and 20: Knox discloses said display includes at least one of an LED display and an LCD display (as shown in Fig. 5).

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Re Claim 7 and 23: Knox discloses said surface includes a golf green (Col. 8, Lines 44-48) and said scale corresponds to speed values (Col. 1, Lines 52-55) (Col. 9, Lines 25-31) for said golf green.

Re Claim 10 and 26: Knox discloses that said display includes at least one of a decimal point (Col. 7, Lines 17) and a detector indicator (38, Fig. 5) to indicate detection of said object within said passage by said detection units (Col. 7, Lines 26-35).

Re Claim 11: Knox discloses that said control unit includes a plurality of detector indicators (38, Fig. 5) to indicate detection of said object within said passage by said detection units (Col. 7, Lines 26-35).

Re Claim 12: Knox discloses that said passage includes a first pair of detection units disposed toward a first end of said passage and separated by a first predetermined distance and a second pair of detection units disposed toward an opposing end of said passage and separated by a second predetermined distance (Col. 3, Lines 21-36).

Re Claim 13 and 27: Knox discloses that said processor includes: a first interval module to measure elapsed time for said object to travel between said first pair of detection units; and a second interval module to measure elapsed time for said object to travel between said second pair of detection units (Col. 6, Lines 56-68; Col. 7, Lines 1-17) (Clock Timer, Fig. 5).

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Re Claim 14 and 28: Knox discloses that said processor further includes: an index module to determine an index value corresponding to a ratio of said elapsed times measured by said first and second interval modules; and a retrieval module to retrieve a corresponding value from a storage unit based on said index value, wherein said retrieved value serves as said resultant measurement value (Col. 6, Lines 40-43) (Col 7, Lines 26-35) (Fig. 6).

Re Claim 15 and 29: Knox discloses that said values stored within said storage unit correspond to surface property values determined in accordance with prior surface measurements (Col. 6, Lines 40-43) (Fig. 6).

Re Claim 16 and 30: Knox discloses that said object includes a golf ball (22, Fig. 2) (Col. 3, Line 11).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 5-6, 8, 21-22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knox et al. (US 5,067,718) in view of Pelz (US 6,860,139).

The teachings of Knox have been explained above.

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Re Claim 5-6 and 21-22: Knox fails to disclose a guide to direct said object into said passage at a desired velocity wherein said guide includes: a track member to receive and direct said object into said passage; and a stand to elevate a portion of said track member relative to said surface to enable said object to traverse said track member and attain said desired velocity.

Pelz teaches an apparatus for measuring green-speed that uses a guide/green-speed reading apparatus (10, Fig. 1). The guide comprises a track member/golf ball rolling ramp (12, Fig. 1) and a stand/legs (14, Fig.1) (Col. 4, Lines 34-38).

Therefore, in view of Pelz, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knox's measuring device by including a guide made up of a track member and stand in order to have a precise ball release mechanism to promote more consistent rolls for more accurate results.

Re Claim 8 and 24: Knox fails to disclose said housing further includes a level unit to indicate a slope of said surface.

Pelz teaches an apparatus for measuring green-speed that uses a level unit/level-vials (36,37,38, Fig. 3) to indicate a slope of said surface (Col. 5, Lines 18-38).

Therefore, in view of Pelz, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knox's measuring device by including a level unit



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in order to detect slope and to give all balls the same initial energy and speed to provide more accurate and consistent readings.

10. Claims 9 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knox et al. (US 5,067,718) in view of Cutter et al. (US 5,387,903).

The teachings of Knox have been explained above.

Re Claim 9 and 25: Knox discloses that said control unit include a power source (94, Fig. 5).

However, Knox fails to disclose that said display includes a power indicator to indicate a power level of said power source.

Cutter teaches a display that contains a power indicator/low-power indicator (Col. 3, Lines 12-15).

Therefore, in view of Cutter, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knox's measuring device by including a power indicator on the display in order to warn the user that the system voltage is low and that it is time to replace the battery.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bair et al. disclose a golf simulator, Chou discloses a golf practicing device with display, Consiglio discloses a golf putter training device with processor and counter, DeCrescent discloses a system for measuring characteristics of an objects motion, Dooley, '687; discloses a putting tutor, Dooley, '013, discloses a detector system for object movement in a game, Fox et al. disclose system for measuring the initial velocity vector of a ball and method, Hardy discloses an infrared photo detector apparatus for measuring projectile velocity, Hughes discloses a portable golf greens speed meter, and Mitchell discloses an open-celled stretchable putting surface and associated stretch measuring.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William T. Freeman whose telephone number is 571-270-1343. The examiner can normally be reached on Mon thr Thu 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WF



**KIM NGUYEN**  
**PRIMARY EXAMINER**